

REGULAR MEETING

September 9, 1996

The Regular Meeting of the Annapolis City Council was held on September 9, 1996 in the Council Chamber. Having been previously requested by Mayor Hopkins to preside at the Meeting, Alderman Gilmer called the meeting to order at 7:30 p.m. Alderman Gilmer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Personnel Director Davis

Alderman Snowden moved to approve the Minutes of July 8 and July 22, 1996. Seconded. CARRIED on voice vote.

Mayor Hopkins and Personnel Director Davis presented 30 Year Service Awards to the following City employees:

Benjamin A. Lee	Police Department
Jack B. Staton, Sr.	Public Works Department
James E. Butler, Jr.	Public Works Department
Leroy Williams	Public Works Department
Sherman Gross	Public Works Department
John A. Butler	Public Works Department
Charles E. Collins	Fire Department
Jack L. Hallock, II	Fire Department

Not present:	
Sharon S. Cyrus	Police Department
Isaac W. Bias	Public Works Department

Mayor Hopkins issued a Proclamation in recognition of "Fire Prevention Week".

Mayor Hopkins and Police Sgt. Beans presented a Citation of Merit to George C. Shenk, Jr.

PETITIONS, REPORTS AND COMMUNICATIONS

1. The Annapolis Governmental Structure and Charter Revision Commission presented its report to the Council. Chairman Richard Duden and Members Gerald Van De Velde, Rhonda Pindell Charles and Rose Thorman were present.

Alderman Turner moved to accept the report. Seconded. CARRIED on voice vote.

2. Louise Beauregard
Christian Services, USA
2 Maryland Avenue
Annapolis, Md. 21401

Spoke regarding environmental issues.

3. A. L. Waldron
1 Wainwright Drive
Annapolis, Md. 21401

Spoke regarding Charter Amendment CA-2-96.

4. Rick Cooksey
Annapolis Tree Committee
34 Murray Avenue
Annapolis, Md. 21401

Spoke in support of Ordinance O-47-96.

5. James Urban
Annapolis Tree Committee
915 Creek Drive
Annapolis, Md. 21403

Spoke in support of Ordinance O-47-96.

6. Lucy Coggin
Annapolis Tree Committee
41 Madison Place
Annapolis, Md. 21401

Spoke in support of Ordinance O-47-96.

7. Ann Pearson
Annapolis Alliance for Sustainable Communities
no address given

Spoke in support of Ordinance O-47-96.

8. Dan Masterson
11 King Court
Annapolis, Md. 21403

Spoke in support of Charter Amendment CA-1-96.

9. Tony Evans
3 Constitution Square
Annapolis, Md. 21401

Spoke regarding Ordinance O-31-96.

10. Gil Renaut, President
Ward One Residents Association
115 Monticello Avenue
Annapolis, Md. 21401

Submitted a letter regarding vacancies on the Historic District Commission.

11. Cindy Eckert
106 N. Linden Avenue
Annapolis, Md. 21401

Spoke in support of Charter Amendment CA-1-96.

ACTION ON APPLICATIONS AND APPEALS

- R-40-96** For the purpose of approving the application of Helen A. Frank for variances to the minimum lot area, lot width and interior side yard requirements in order to obtain subdivision plat approval to create, out of an existing single lot of record located at 95-97 Monticello Avenue in the City of Annapolis, two separate lots of record for two existing, legally nonconforming dwelling units currently located on the referenced single lot; and all matters relating to said subdivision.

Alderman Snowden moved to adopt R-40-96. Seconded. A ROLL CALL vote was taken:

Yeas: Alderman Hammond, Johnson, Gilmer, Tullier, Snowden, Turner,
DeGraff, Moyer
CARRIED: 8-0

- R-41-96** For the purpose of approving the application of Charles G. Lewnes, Pamela M. And Charles G. Lewnes for a conditional use to allow an existing restaurant with alcoholic beverage service to serve alcohol without meals located at 401 Fourth Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-41-96. Seconded. CARRIED on voice vote.

- R-42-96** For the purpose of approving the application of McDonald's Corporation and Eastport Plaza Ltd. Partnership for a conditional use to establish a fastfood restaurant located at 1007A Bay Ridge Avenue in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-42-96. Seconded. CARRIED on voice vote.

Alderman Turner moved to reconsider R-42-96. Seconded. DEFEATED on voice vote.

- R-43-96** For the purpose of approving the application of McDonald's Corporation and Minna A. Zelko for a conditional use to establish a fastfood restaurant located at 38 West Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman DeGraff moved to adopt R-43-96. Seconded.

Alderman DeGraff moved to amend R-43-96 as follows:

Amendment No. 1

On Page 2, strike lines 26 and 27 in their entirety and substitute the following:

5. The second floor of the building may be occupied by a use other than restaurant office and storage by the applicant if additional parking is provided off-site.

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-43-96 as follows:

Amendment No. 2

On page 3, line 1, immediately before "All" add the following:

Exterior signs shall be designed to be compatible with the historic character of the street.

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-43-96 as follows:

Amendment No. 3

On page 3, line 25, add the following:

14. All deliveries to the establishment shall be limited to the designated loading/unloading space on West Street. All deliveries shall be made before 10:00 a.m.

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt R-43-96 as amended. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-2-96 For the purpose of repealing in its entirety Article X, Annapolis Revenue Authority; and all matters relating to said Annapolis Revenue Authority.

Alderman Johnson moved to postpone consideration of CA-2-96 to October 14, 1996. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Turner
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer
DEFEATED: 4-4

Alderman Tullier moved to adopt CA-2-96 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Turner
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer
DEFEATED: 4-4

ORDINANCES

O-20-96 For the purpose of amending the open space requirements for planned developments involving interior alterations to existing buildings; and all matters relating to said requirements.

There being no voiced objection, O-20-96 was postponed to October 14, 1996.

- O-26-96 Revised** For the purpose of repealing and re-enacting Chapter 21.62, Historic District, to include certain revisions authorized by the 1995 amendments to Article 66B, Section 8.01 et. seq.; and all matters relating to said chapter.

There being no voiced objection, O-20-96 was postponed to October 14, 1996.

- O-30-96** For the purpose of requiring occupants of certain commercial property fronting on certain paved sidewalks to sweep the sidewalk on a daily basis; and all matters relating to said sidewalks.

Alderman Snowden moved to adopt O-30-96 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-30-96.

The main motion CARRIED on voice vote.

Alderman Tullier moved to adopt O-30-96 on third reading. Seconded. CARRIED on voice vote.

- O-31-96** For the purpose of restricting parking on certain streets, on certain days during certain hours to allow street sweepers to clean those streets; to allow residential parking permit holders on those streets to park without charge in the Noah Hillman Garage in conjunction with the said parking restrictions; and all matters relating to said parking restrictions.

Alderman Snowden moved to adopt O-31-96 on second reading. Seconded.

The Environmental Matters Committee reported favorably with amendments on O-31-96.

Alderman Hammond moved to amend O-31-96 as follows:

Amendment No. 1

On Page 2, lines 21 and 22, strike "6:00 A.M. AND 10:00 A.M." and substitute "9:00 A.M. AND 12:00 P.M.".

Amendment No. 2

On Page 2, lines 23 and 24, strike "MONDAYS" in both instances and substitute "WEDNESDAYS".

Amendment No. 3

On Page 3, line 27, strike "SUNDAY TO 11:00 A.M. MONDAY" and substitute "TUESDAY TO 2:00 P.M. WEDNESDAY".

Seconded.

Following discussion, Alderman Tullier moved to postpone consideration of O-31-96 to November 4, 1996 and to refer the matter back to the Environmental Matters Committee. Seconded. CARRIED on voice vote.

- O-37-96** For the purpose of establishing a program for the collection of recyclable materials from commercial establishments; and all matters relating to said recycling program.

Following discussion, Alderman Turner moved to postpone consideration of Ordinance O-37-96 to October 14, 1996. Seconded. CARRIED on voice vote.

- O-38-96** For the purpose of amending the configuration of the Annapolis harbor line outboard of Port Annapolis Marina, 7074 Bembe Beach Road on Back Creek; and all matters relating to said harbor line.

Alderman DeGraff moved to adopt O-38-96 on second reading. Seconded.

The Environmental Matters Committee and the Port Wardens reported favorably on O-38-96.

The main motion CARRIED on voice vote.

Alderman Tullier moved to adopt O-38-96 on third reading. Seconded. CARRIED on voice vote.

- O-39-96** For the purpose of establishing the Business Revitalization District; and all matters relating to said district.

Alderman Johnson moved to adopt O-39-96 on second reading.

The Rules and City Government Committee reported favorably on O-39-96.

Alderman Johnson moved to amend O-39-96 as follows:

Amendment No. 1

On Page 9, strike lines 28 through 30 in their entirety.

Amendment No. 2

On Page 9, line 41, immediately following "FLOOR AREA" strike "OF".

Amendment No. 3

On Page 10, line 11, immediately following "WAIVER IS" strike "IS IN THE PUBLIC INTEREST" and substitute the following:

WILL HAVE NO ADVERSE EFFECTS UPON ADJACENT PROPERTIES; WILL NOT RESULT IN INCOMPATIBLE USES OR STRUCTURES ON THE SUBJECT PROPERTY.

Amendment No. 4

On Page 12, line 4, immediately following "EXCEED THE" strike "LESSOR" and substitute "LESSER".

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Tullier moved to adopt O-39-96 Amended on third reading. Seconded. CARRIED on voice vote.

- O-40-96** For the purpose of establishing the Residential Revitalization Overlay District; and all matters relating to said district.

Alderman Johnson moved to adopt O-40-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-40-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-40-96 on third reading. Seconded. CARRIED on voice vote.

O-41-96 For the purpose of allowing photography studios and camera and photographic supplies stores as permitted uses in the B1-A Expanded Convenience Shopping District; and all matters relating to said permitted uses.

Alderman DeGraff moved to adopt O-41-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-41-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-41-96 on third reading. Seconded. CARRIED on voice vote.

O-42-96 For the purpose of providing that salary raises for exempt service positions shall not be awarded more than once a year; and all matters relating to said merit salary raises.

Alderman DeGraff moved to adopt O-42-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-42-96.

The main motion CARRIED on voice vote.

Alderman Tullier moved to adopt O-42-96 on third reading. Seconded. CARRIED on voice vote.

O-47-96 For the purpose of establishing Tree Conservation Areas and a permit program for tree removal adjacent to public rights-of-way; and all matters relating to said trees.

Alderman Moyer moved to adopt O-47-96 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-47-96.

Alderman Hammond moved to amend O-47-96 as follows:

Amendment No. 1

On Page 5, line 4, immediately following "REQUIRED" add the following:

FOR PUBLIC UTILITIES TO REMOVE TREES SITUATED IN PROXIMITY TO OVERHEAD OR UNDERGROUND FACILITIES OR IN CASE OF ANY EMERGENCY IN WHICH FAILURE TO REMOVE A TREE IS LIKELY TO CAUSE IMMINENT DAMAGE TO PUBLIC OR PRIVATE PROPERTY, AS USED HEREIN, THE TERM 'PUBLIC UTILITIES' MEANS ANY 'PUBLIC SERVICE COMPANY' AS DEFINED IN ARTICLE 78, SECTION 2, OF THE ANNOTATED CODE OF MARYLAND, OR ITS SUCCESSOR STATUTES; OR

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Moyer moved to adopt O-47-96 Amended on third reading. Seconded. CARRIED on voice vote.

Alderman Turner requested the record reflect his opposition to O-47-96.

- O-49-96** For the purpose of authorizing a deed of easement to legitimize an encroachment of property located at 165 Main Street into the City sidewalk right-of-way at 165 Main Street; and all matters relating to said deed of easement.

Alderman Turner moved to adopt O-49-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

- O-50-96** For the purpose of clarifying certain provisions relating to the maintenance and use of city owned vehicles; and all matters relating to said provisions.

Alderman Turner moved to adopt O-50-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-53-96** For the purpose of providing for an award of costs and attorney's fees not to exceed \$2,500.00 to person(s) who obtain a declaratory judgment finding the City violated any procedure or provision of City Code, Title 21; and all matters relating to said awards.

Alderman Snowden moved to adopt O-53-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules and City Government Committee.

- O-54-96** For the purpose of repealing the Annapolis City Code (1986 Edition and Cumulative Supplement No. 12) and adopting as the Code of laws of the City, as of a certain date, a recodification of the Annapolis City Code (1986 Edition and Cumulative Supplement No. 12) and all other ordinances of the City adopted after the publication of Cumulative Supplement No. 12, to be known as the Code of the City of Annapolis, Maryland (1996 Edition), published by Book Publishing Company, Seattle, Washington; and generally providing for the recodification of the laws and ordinances of the City, to be effective as of a certain date.

Alderman Snowden moved to adopt O-54-96 on first reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to suspend the rules to dispense with the second reading on O-54-96. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-54-96 on third reading. Seconded. CARRIED on voice vote.

- O-55-96** For the purpose of increasing the fine for failure to comply with notification to remove accumulations of rubbish or refuse; and all matters relating to said fine.

Alderman Snowden moved to adopt O-55-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

RESOLUTIONS

R-45-96 For the purpose of approving a job description for the position of Warrant Control Clerk; and all matters relating to said job description.

Alderman Snowden moved to adopt R-45-96. Seconded. CARRIED on voice vote.

R-47-96 For the purpose of supporting a Maryland Department of Housing and Community Development (DHCD) Neighborhood Business Development Program (NBDP) loan to Robin G. and Janet L. Craig for the improvements and start-up costs for Kid's Farm, Inc. at the property known as 176 West Street, Annapolis, Maryland; and all matters relating to said support.

Alderman Moyer moved to adopt R-47-96. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Agreement - Wastewater Treatment Plant

Alderman Snowden moved to refer the Memorandum to the Mayor and Council from John E. C. Patmore dated 8/20/96 regarding Annapolis Waste Water Treatment Plant to the Finance Committee. Seconded. CARRIED on voice vote.

2. Civil Service Minutes of 7/25/96

Alderman Snowden moved to adopt the Civil Service Minutes of 7/25/96. Seconded. CARRIED on voice vote.

3. Finance Committee Minutes of 8/29/96

Alderman Snowden moved to adopt the Finance Committee Minutes of 8/29/96. Seconded. CARRIED on voice vote.

4. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Snowden moved to confirm the Mayor's appointments/reappointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 7/29/96, 7/30/96, 8/12/96, 8/26/96 and 8/28/96:

Civil Service Board:

James R. Renfroe
Joseph F. Rodowsky

Historic District Commission:

Elizabeth R. Finkle
C. Jane Cox

Human Relations Commission:

Jacina Stanton
Michael J. Keller
Angelita M. Millan

Nicolas Gomez

Port Wardens:

Mary Louise Davis

**Public Safety Disability
Retirement Board**

Hamilton Fisk Tyler

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:05 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**